

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                              |   |                       |
|------------------------------|---|-----------------------|
| KENDALL GUINN,               | ) |                       |
|                              | ) |                       |
| Plaintiff,                   | ) |                       |
|                              | ) |                       |
| v.                           | ) | C. A. No. 04-1529-KAJ |
|                              | ) |                       |
| WARDEN RICK KEARNEY,         | ) |                       |
| COMMISSIONER STANLEY TAYLOR, | ) |                       |
| and CHIEF BUREAU OF PRISONS  | ) |                       |
| PAUL W. HOWARD,              | ) |                       |
|                              | ) |                       |
| Defendants.                  | ) |                       |

**INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)**

Pursuant to Fed. R. Civ. P. 26(a), State Defendants Warden Rick Kearney, Commissioner Stanley Taylor and Bureau Chief Paul Howard hereby provide Plaintiff with the following information:

- (a) Individuals likely to have knowledge of discoverable information that may be used to support State Defendants' defenses:

Plaintiff  
Defendants  
Inmates housed in the Medium Housing Unit, Sussex Correctional Institution, Georgetown, DE  
Captain George Truitt, Sussex Correctional Institution, Georgetown, DE  
Eric Smeltzer, Sussex Correctional Institution, Georgetown, DE

- (b) Documents that may be used to support State Defendants' defenses:

Maintenance/repair records for the Medium Housing Unit at Sussex Correctional Institution  
Inmate grievances regarding the Medium Housing Unit  
Responses to Inmate grievances regarding the Medium Housing Unit

(c) Experts and their opinions:

Defendants have not yet retained any experts, but reserve the right to do so, and will supplement this response as required by Rule 26(a).

(d) Insurance agreements in force:

Not applicable. State Defendants further disclose that no such insurance exists.

(e) Basis for any damages claimed:

Not applicable.

By these disclosures, State Defendants do not represent that they have identified every document, tangible thing or witness possibly relevant to this lawsuit. Continuing investigation and discovery may require modification of these disclosures, and State Defendants reserve the right to supplement the information disclosed above if additional information becomes available. Further, these disclosures are not intended to waive any right to object to the production of any document or tangible thing disclosed on the basis of privilege, the work product doctrine, relevance, undue burden or any other valid objection.

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ Eileen Kelly  
Eileen Kelly, I.D. #2884  
Deputy Attorney General  
820 N. French Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 577-8400  
eileen.kelly@state.de.us  
Attorney for State Defendants

Date: August 30, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2005, I electronically filed *Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)* with the Clerk of Court using CM/ECF. I hereby certify that on August 30, 2005, I have mailed by United States Postal Service, the document to the following non-registered party: Kendall Guinn.

/s/ Eileen Kelly  
Deputy Attorney General  
Department of Justice  
820 N. French St., 6<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 577-8400  
eileen.kelly@state.de.us